

HOUSE BILL No. 1120

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-21.

Synopsis: Brownfields in solid waste management districts. Establishes brownfield remediation: (1) powers of a solid waste management district; and (2) elements that may be included in a district plan.

Effective: July 1, 2002.

Weinzapfel

January 8, 2002, read first time and referred to Committee on Environmental Affairs.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1120

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-21-3-12, AS AMENDED BY P.L.225-2001,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 12. Except as provided in section 14.5 of this
4 chapter, the powers of a district include the following:

5 (1) The power to develop and implement a district solid waste
6 management plan under IC 13-21-5.

7 (2) The power to impose district fees on the final disposal of solid
8 waste within the district under IC 13-21-13.

9 (3) The power to receive and disburse money, if the primary
10 purpose of activities undertaken under this subdivision is to carry
11 out the provisions of this article.

12 (4) The power to sue and be sued.

13 (5) The power to plan, design, construct, finance, manage, own,
14 lease, operate, and maintain facilities for solid waste
15 management.

16 (6) The power to enter with any person into a contract or an
17 agreement that is necessary or incidental to the management of

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solid waste **or the remediation of a brownfield**. Contracts or agreements that may be entered into under this subdivision include those for the following:

- (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
- (B) The managing or disposal of solid waste.
- (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for:

- (A) the management or disposal of solid waste; **or**
- (B) **the remediation of a brownfield.**

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for:

- (A) the management or disposal of solid waste; **or**
- (B) **the remediation of a brownfield.**

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

- (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
- (B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management **or brownfield remediation**, subject to the following:

- (A) Regular budget and tax levy procedures.
- (B) Section 16 of this chapter.

However, except as provided in section 15 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste **or the remediation of a brownfield** in accordance with an approved budget and to

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contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; ~~and~~

(B) recovery of waste products from the solid waste stream;

and

(C) remediation of a brownfield;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law.

However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

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(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

- (A) the reuse and recycling of mercury in:
 - (i) mercury commodities; and
 - (ii) mercury-added products; and
- (B) collection programs available to the public for:
 - (i) mercury commodities; and
 - (ii) mercury-added products.

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(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

SECTION 2. IC 13-21-5-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 14.5. A district plan may include the following:**

(1) **An inventory and a description of the following:**

(A) **Brownfields located within the district.**

(B) **The brownfield remediation activities taking place within the district.**

(2) **A statement identifying and assessing brownfield problems that:**

(A) **exist in the district at the time of the development of the district plan; and**

(B) **may exist in the district in the future.**

(3) **A:**

(A) **projection of the need for; and**

(B) **description of;**

brownfield remediation that will be needed in the district.

(4) **A brownfield remediation policy for the district that:**

(A) **reflects the needs of the district; and**

(B) **provides an integrated approach to brownfield remediation.**

(5) **Brownfield remediation activities planned by the district.**

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